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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,601	02/18/2004	Eric Doyle	16441-US	1021
23553 7590 04/24/2007 MARKS & CLERK P.O. BOX 957 STATION B OTTAWA, ON K1P 5S7 CANADA			EXAMINER OSBERG, THUY THANH	
			ART UNIT 2179	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/779,601	DOYLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thuy Osberg	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/14/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This communication is responsive to the original application filed 02/18/2004, which claims benefit of provisional application 60/447743 filed on 02/19/2003. This action is **Non-Final**. Claims 1-11 are pending and have been examined.

### *Claim Objections*

2. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The examiner assumes claim 4 depends on claim 1 for continuation of this examination.

Claim 4 is objected to because of the following informalities:

Claim 4 is objected to for lacking of antecedent basis, "wherein atoms" in line 1 of claim 4, but there is no "atoms" mentioned in claim 1. The examiner assumes claim 4 depends on claim 1 for continuation of this examination. Appropriate correction is required.

3. Claims 4 and 11 are objected to because of the following informalities:

The term "atoms" (for example, in claim 4, line 1) is not common terminology in the art. Appropriate correction is required.

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***Specification***

4. The disclosure is objected to because of the following informalities:

The Applicant is noticed that the term "atoms" (for example, on page 3 of the specification, line 18) is not common terminology in the art. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-2, 6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Purnaveja et al. (US Patent 6,006,241), hereinafter "Purnaveja".**

*The Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the Applicant. Although the specified citations are representation of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. The Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the Applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.*

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**As claim 1**, Purnaveja teaches method of synchronizing and second data streams (fig. 6, label 610 "video", label 640 "slides or captions"; Abstract, lines 5-12, 27-32), said first data stream acting as a reference stream (col. 2, lines 41-48; col. 10, lines 1-8), comprising:

displaying elements of said first data stream on a display device (fig. 6, label 610; col. 6; lines 39-41) along a time line (fig. 7, labels, 715, 750, 760, 770, 780, 790; col. 7, lines 9-27, that as showing the elements are aligned in a time lines (time tracks);

displaying containers for elements of said second data stream on said display device alongside said elements of said first data stream (fig. 7; col. 7, lines 9-19, that labels 750, 760, 770 and 780 where all containers displayed alongside one another);

interactively displacing said containers on said display device relative to said elements of said first data stream to align said containers with cue elements in said first data stream (fig. 7, labels 715, 750, 760, 770, 780, 790, 751, 752, 753, 754, 791, 792, 793, 794, col. 7, lines 9-19; col. 8, lines 2-5);

and generating synchronization markers for said aligned displayable elements relative to said first data stream (Abstract, lines 13-15; col. 2, lines 49-53; col. 7, lines 20-27).

**As claim 2**, Purnaveja further teaches the first data stream is a video stream (Abstract, lines 5-12; fig. 6, label 610; col. 6, lines 39-41), and said elements thereof are video frames (col. 2, lines 54-63; col. 6, lines 65-67; col. 7, line 1).

**As claim 6**, Purnaveja further teaches the containers are interconnected so that as one container is displaced on the display device relative to the video stream, downstream containers are correspondingly displaced at the same time (fig. 7, label 715;

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col.7, lines 20-27; that the time hairline is a designers tool that can be used to adjust and/or align the tracks displayed in containers).

**As claim 8**, Purnaveja further teaches method as claimed in claim 7, wherein said reference point is the start of the first data stream (fig. 8A and 8B; col. 9, lines 11-25 and lines 62-67, that displayable ticker data is using the video as a reference stream).

**As claim 9**, Purnaveja teaches an apparatus (fig. 9, label 240; col. 8, lines 6-14) for synchronizing first and second data streams (col. 9, lines 57-63; col. 2, lines 35-47), said first data stream acting as a reference stream (fig. 8A and 8B; col. 9, lines 11-25, 62-67, that displayable ticker data is using the video as a reference stream) and including video frames (Abstract, lines 5-12; fig. 6, label 610; col. 6, lines 39-41, 65-67, col. 7, line 1).

and said second data stream including a series of displayable elements (fig. 7; col. 7, lines 9-19, that labels 750,760,770 and 780 where all containers displayed alongside one another), comprising:

a display device (fig. 1, label 104; col. 4, lines 11-12);

a first software component (fig. 3, label 318; col. 6, lines 36-41, that "author module" is a software component; Abstract, lines 10-12; col. 8, lines 52-58, that software components is supported by Java applets) for displaying video frames (Abstract, lines 5-12; fig. 6, label 610; col. 6, lines 39-41, lines 65-67, col. 7, line 1) of said first data stream along a timeline on a display device (fig. 7, labels, 715, 750, 760, 770, 780, 790; col. 7, lines 9-27, that as showing the elements are aligned in a time lines (time tracks);

a second software component (fig. 3, label 318; col. 6, lines 36-41, that "author module" is a software component; Abstract, lines 10-12; col. 8, lines 52-58, that software

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components is supported by Java applets) for displaying said containers for said displayable elements of second data stream on said display device alongside said video frames of said first data stream fig. 7; col. 7, lines 9-19, that labels 750,760,770 and 780 where all containers displayed alongside one another);

a pointer (fig. 1, label 114; col. 5, lines 5-11) for interactively displacing containers on said display device relative to said video frames to align said containers with video cues (fig. 7, label 715; col.7, lines 20-27; that the time hairline is a designers tool that can be used to adjust and/or align the tracks displayed in containers);

and a third software component (fig. 3, label 318; col. 6, lines 36-41, that "author module" is a software component; Abstract, lines 10-12; col. 8, lines 52-58, that software components is supported by Java applets) for generating synchronization markers for said aligned displayable elements relative to said first data stream (col. 7, lines 58-64).

**As claim 10**, Purnaveja further teaches the third software component creates (fig. 3, label 318; col. 6, lines 36-41, that "author module" is a software component; Abstract, lines 10-12; col. 8, lines 52-58, that software components is supported by Java applets) a synchronization file containing said synchronization markers (Abstract, lines 19-23; col. 3, lines 1-6, 13-18; col. 5, lines 43-53; col. 7, lines 58-64).

**As claim 11**, Purnaveja further teaches a fourth software component (fig. 3, label 318; col. 6, lines 36-41, that "author module" is a software component; Abstract, lines 10-12; col. 8, lines 52-58, that software components is supported by Java applets) for displaying displaceable atoms corresponding to animation events within said slides and generating synchronization markers for said animation events within said slides (fig. 7,

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label 715; col.7, lines 20-27; that the time hairline is a designers tool that can be used to adjust and/or align the tracks displayed in containers).

***Claim Rejections - 35 USC § 103***

**9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purnaveja in view of Smith et al. (US Patent 7,096,416), hereinafter "Smith".**

**As claim 3, Purnaveja does not teach the containers correspond to presentation slides.**

However, Smith teaches the containers correspond to presentation slides (fig. 1, label 102; col. 1, lines 20-21, 30-37; fig. 10, labels 1002, 1012, 1014; col. 10, lines 20-24). Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Purnaveja by having the containers correspond to presentation slides as taught by Smith in order to provide the improved techniques for reliably providing a multimedia stream such as a video and audio stream, together with annotations such as textual and graphical information in an integrated seamless package to client computer(s), while efficiently utilizing the network resources and consuming minimal computational cycles on the client computer(s) (Smith (col. 2, lines 26-33)).



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**As claim 4**, Purnaveja does not teach the atoms corresponding to animation events within said slides are displayed in said containers, and said atoms are aligned with cue elements to generate synchronization markers for said animation events.

However, Smith teaches the atoms (col. 3, lines 24-29, e.g. the Bitmap files) corresponding to animation events within said slides are displayed in said containers (col. 1, lines 21-25), and said atoms are aligned with cue elements to generate synchronization markers for said animation events (fig. 5A, labels 506, 508, 510; col. 6, lines 32-38, that by clicking on static media file, will give the cue at the synchronization point).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Purnaveja by having the atoms corresponding to animation events within said slides are displayed in said containers, and said atoms are aligned with cue elements to generate synchronization markers for said animation events as taught by Smith in order to provide away of timing the events as they happened and enabling the all items in the display to be synchronized.

**As claim 5**, Purnaveja does not teach the synchronization markers are output into a synchronization file.

However, Smith teaches the synchronization markers are output into a synchronization file (col. 2, lines 4-18).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Purnaveja by having the synchronization markers are output into a synchronization file as taught by Smith in order for the mixed-media presentation to flow smoothly, it is necessary to synchronize the different media elements so that they will be

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presented at the correct moment in the presentation. For instance, the presentation can consist of a video of a person giving a lecture, slides to which the lecturer refers, and subtitles that display what the lecturer is saying in any of a number of languages (smith: col. 1, lines 27-33).

**As claim 7**, Purnaveja does not teach the synchronization markers are timings relative to a reference point.

However, Smith teaches the synchronization markers are timings relative to a reference point (col. 2, lines 11-13).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Purnaveja by having the synchronization markers are timings relative to a reference point as taught by Smith in order for the mixed-media presentation to flow smoothly, it is necessary to synchronize the different media elements so that they will be presented at the correct moment in the presentation. For instance, the presentation can consist of a video of a person giving a lecture, slides to which the lecturer refers, and subtitles that display what the lecturer is saying in any of a number of languages (smith: col. 1, lines 27-33).

### ***Conclusion***

**11.** The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO

BA HUYNH  
PRIMARY EXAMINER